

HOWARD COUNTY BOARD OF COMMISSIONERS MEETING JULY 1, 2013

The Howard County Board of Commissioners met in Regular Session on Monday, July 1, 2013, at 4:00 p.m. in Hearing Room 338 of the Administration Center. Those in attendance included President Tyler Moore, Vice President Paul Wyman, and Member Brad Bray. Also in attendance were County Attorney Larry Murrell and Auditor Martha Lake.

The meeting was called to order by Sheriff Steve Rogers and conducted by President Moore. Commissioner Brad Bray led in the Pledge of Allegiance and Commissioner Wyman offered a word of prayer.

IN THE MATTER OF APPROVAL OF MINUTES:

The minutes of the June 17, 2013, Regular Meeting, having been previously submitted and reviewed were approved as submitted on a motion made by Mr. Wyman and seconded by Mr. Bray.

The minutes of the June 19, 2013, Special Session were submitted to the Board of Commissioners. This session was held in order to address Ordinance No. 2013-BCCO-12, re-precincting of Howard County after the completion of two City of Kokomo annexations. The Special Session minutes were approved on a motion made by Mr. Wyman and seconded by Mr. Bray.

IN THE MATTER OF PUBLIC COMMENT:

President Moore opened the floor for public comment as follows:

Bill Galles, 804 Jeff Drive, Kokomo: Mr. Galles objects to the \$5.00 recycling user fee at the Recycling Intake Center. Mr. Galles attended the April 1st meeting, commenting on the same issue (*please refer to page 3, "In The Matter Of Public Comment", of the Regular Meeting minutes dated April 1, 2013*). He believes that the usage fee will encourage residents to put their recyclables in the trash in lieu of having to pay an extra fee to recycle. Mr. Galles also asked the Board of Commissioners to consider a County Burn Ban when addressing the Smoking Ordinance. Commissioner Moore and Commissioner Wyman invited Mr. Galles to comment at the July Recycling Board meeting, Tuesday, July 15, at 10:00 a.m.

Beverly Hall, 4702 Glen Moor Way, Kokomo: Ms. Hall agrees that the \$5.00 Recycling usage fee is prohibitive to her, and agreed with Mr. Galles' comments. She asked that the Recycling District consider a monthly charge in lieu of every usage.

IN THE MATTER OF DEPARTMENTAL REPORTS:

SHERIFF DEPARTMENT:

1) The Sheriff's Department would like to purchase a new Administrative vehicle from Brad Howell Ford, as part of the 2013 Vehicle Purchase for the Sheriff's Department. The vehicle is a 2013 Ford Escape, in the amount of \$21,042.00. A motion was made by Mr. Wyman to approve the Administrative Vehicle purchase of a 2013 Ford Escape from Brad Howell Ford and the early payment of the claim. The motion was seconded by Mr. Bray and carried.

2) The Sheriff's Department has a 1500 gallon underground tank located in their parking lot. Sheriff Rogers will be obtaining quotes for removal of the tank and he will ask the contractors to observe all EPA requirements. The tank needs to be removed before the Sheriff can move forward with re-paving the CJC parking lot. With the Commissioners' approval Sheriff Rogers will submit quotes at the July 15th meeting. The Board gave approval to move forward in receiving quotes for the tank removal.

PLAN COMMISSION:

Plan Commission Director Greg Sheline submitted Ordinance No. 2013-BCCO-13. This Ordinance is a rezoning of property owned by James and Amy Lucas from Rural Residential (RR) to Institutional (IS). The property is located at 9730 East County Road 00 North South and the rezoning request is to build a church. Traffic and drainage concerns will be addressed at the time of site plan approval. A motion was made by Mr. Bray to approve Ordinance No. 2013-BCCO-13. President Moore vacated the chair in order to second the motion and the motion carried. Commissioner Wyman abstained from the vote.

PERSONNEL DEPARTMENT:

Personnel Director Wanda McKillip brought a request to fill an appointment on the Convention & Visitors Bureau due to the resignation of Tammy Bach. Ms. Bach's term expires December 31, 2013. Since the position vacated is a hotel position, Mr. Wyman suggested an appointment of Ms. Marlo Stevens, manager of the Comfort Inn, to complete the term. A motion was made by Mr. Wyman, seconded by Mr. Bray, and carried to appoint Ms. Marlo Stevens to complete the term of the position vacated by Ms. Tammy Bach, which expires on December 31, 2013.

IN THE MATTER OF FINAL INVOICES FOR THE FLOOD MITIGATION PROJECT:

On behalf of Grant Administrator Tina Henderson, Attorney Larry Murrell submitted final documents of the Flood Mitigation project. The first document is a final invoice for the Grant Administrator, Tina Henderson, in the amount of \$4,000.00. The second document is the total project invoice from Alliance Excavating, in the amount of \$99,505.00. There is one remaining item of business being the final inspection of the properties by the Health Department. There is also a question of the change order for the underground tank being included on the invoice from Alliance (*please refer to page one, issue one, Plan Commission, "In The Matter Of Departmental Reports", of the Regular Meeting minutes date April 1, 2013*). A motion was made by Mr. Wyman to approve the final invoice of \$4,000 to Tina Henderson (Mendenhall and Associates), and the invoice from Alliance Excavating, subject to the verification of the Change Order being included in the \$99,505 amount, and also subject to the final inspection of the properties' septic systems, by the Health Department, and authorize the President to sign the forwarding letters on behalf of the Board of Commissioners. The motion was seconded by Mr. Bray and carried.

At 4:30 p.m. the meeting was recessed on a motion made by Mr. Wyman and seconded by Mr. Bray, in order to hold a previously scheduled Public Hearing on the Hensley property.

The property in question is 9987 East County Road 200 South, Greentown, and is owned by Edgar J. and Betty J. Hensley. Mr. Sheline confirmed with the Board of Commissioners that neither the owners nor their family has contacted the Plan Commission Office. Since May 23, 2013, the residential structure caught fire and was partially destroyed. President Moore opened the floor for public comment.

There being no public comment, the Public Hearing was closed at 4:32 p.m., on a motion made by Mr. Wyman and seconded by Mr. Bray, and the Regular Meeting was reconvened.

Attorney Larry Murrell submitted Resolution No. 2013-BCCR-9, a resolution of the Howard County Board of Commissioners affirming the May 23, 2013 Order on Unsafe Premises issued by the Howard County Enforcement Authority. This resolution authorizes the Enforcement Authority to demolish, remove, and clean up all structures on the property, after the final hearing to be held on Monday, August 5, 2013. The costs of any demolition and removal shall become a lien on the premises. A motion was made by Mr. Wyman to approve Resolution No. 2013-BCCR-9. The motion was seconded by Mr. Bray and carried.

IN THE MATTER OF THE HOWARD COUNTY WIND ORDINANCE:

President Moore stated for the record that this pertains to the current Wind Ordinance. The Board of Commissioners have been listening to the concerns expressed, as well as making site visits, and reading e-mails and letters pertaining to this issue. The Commissioners agree that there are concerns with the current Wind Ordinance, and understand that their consideration in lieu of action is adding to the concerns and emotions of all involved. The Board has, however, been in contact with remonstrators, those in favor of wind farms, leaseholders, and wind companies, in order to be able to get a clear picture of all the issues involved. The Board is now in a position to move forward with addressing the concerns. At this time Mr. Moore opened the floor for any new information and issues that were not previously submitted. The following citizens gave comments:

Greg Eytcheson, south east corner of Howard County.

Grace Aprill, 12765 East County Road 100 North, Greentown, Indiana.

Joe Lennon, Grant County, Converse, Indiana.

Attorney Denise Alexander Pyle, 2421 West County Road 500 South, Grant County, Marion, Indiana.

Jonathan Sanders, West Liberty, Howard County, Indiana.

Troy King, 7804 East County Road 200 North, Greentown, Indiana

Ed Petty, 3176 North County Road 800 East, Kokomo, Indiana
Joe Russeau, 1348 North County Road 800 East, Kokomo, Indiana.
John Garr, Eastern Howard County.
Nancy Carney, Tipton County.
Jane Garr, Howard County.
Keith Brautigam, 2234 North County Road 1000 East, Greentown, Indiana.
Katherine Woodrick, 311 Holiday Lane, Greentown, Indiana.

At the conclusion of discussion, Mr. Wyman moved that at the July 15, 2013 meeting this Board consider initiating a proposal to amend the wind energy sections of our Howard County Zoning Ordinance. The motion was seconded by Mr. Bray and carried. All the information shared by citizens at the last seven meetings will be considered.

More discussion ensued and at its conclusion the Regular meeting was recessed at 6:25 p.m. in order to hold a previously scheduled Drainage Board Meeting, on a motion made by Mr. Wyman and seconded by Mr. Bray.

The Regular Meeting was reconvened at 7:27 p.m. on a motion made by Mr. Wyman and seconded by Mr. Bray.

IN THE MATTER OF A REQUEST FOR ASSISTANCE FROM THE TOWN OF RUSSIVILLE:

Mr. Wyman submitted a request from the Town of Russiaville for assistance from the County's EDIT funds, in the amount of \$15,000. During a recent storm one of the culverts was flooded, creating a sink hole. Total repair costs will be around \$50,000, leaving the town of Russiaville to support the remaining \$35,000. A motion was made by Mr. Wyman to support the request of \$15,000 to the Town of Russiaville, from the EDIT Fund, Special Projects and incentives. The motion was seconded by Mr. Bray and carried.

IN THE MATTER OF CLAIMS AND REPORTS:

Auditor Martha Lake submitted the following claims and reports for the Commissioners' information and approval:

1. **Operating Claims:** The Commissioners' Operating Claims payable today, in the amount of \$722,957.42, were approved on a motion made by Mr. Bray and seconded by Mr. Moore (vacated the chair in order to second the motion).
2. **Salary Claims:** The Commissioners' Salary, Hourly, and Overtime Claims, payable July 5 & July 11, 2013, in the amount of \$357,704.75, were approved on a motion made by Mr. Bray and seconded by Mr. Wyman.
3. **Bonus Payroll Claim:** The Employee Bonus Payroll Claim, in the amount of \$430,169.40 was submitted. A motion was made by Mr. Bray to approve the Bonus Payroll Claim in the amount of \$430,169.40. Mr. Moore vacated the chair in order to second the motion. Mr. Wyman commented that the county's employees are doing a "tremendous" job. He will be meeting with the Auditor to take a close look at the county's finances to confirm in his mind there is enough to underwrite the bonus. His vote against the bonus at this time "...has nothing to do with the worthiness of our employees". The motion carried with two aye votes and one nay vote.
4. **Early Pay Claims:** Ms. Lake submitted two claims that were signed by Mr. Moore, for early payment. The first is a claim to Pastarrific, in the amount of \$888.54, for a dinner with a delegation of our sister city in China, as shared costs with the City of Kokomo. The claim was approved on a motion made by Mr. Wyman and seconded by Mr. Bray.

The second early pay claim is to Lawmasters, in the amount of \$150,560.00, for the Courthouse roofing repair project. The claim was approved on a motion made by Mr. Wyman and seconded by Mr. Bray.

IN THE MATTER OF COUNTY ATTORNEY ISSUES:

County Attorney Larry Murrell submitted the following issues for the Board's information and approval:

1. **FSSA Contract:** On behalf of Howard Haven Superintendent Jennifer Vary, Mr. Murrell submitted a Professional Services Contract for Residential Care Assistance Program between Indiana FSSA and Howard County Board of Commissioners / Howard Haven. This assistance program is for residents who apply for ARCH assistance. Mr. Murrell has reviewed the contract and recommends its approval. A motion was made by Mr. Wyman to approve the contract between Howard County and the Indiana FSSA for ARCH payments, and authorize the President to sign on behalf of the Board of Commissioners. The motion was seconded by Mr. Bray and carried.
2. **Sycamore Cottage MOU:** Mr. Murrell submitted the Memorandum of Understanding between Howard County and the Greater Kokomo Economic Development Alliance for the Small Business Incentive Grant for Sycamore Cottage, Inc. (*please refer to page three, "In The Matter Of Commissioner Issues, Commissioner Wyman", of the Regular Meeting minutes dated June 17, 2013*). The grant amount is \$4,500, and the MOU is approved on a motion made by Mr. Wyman and seconded by Mr. Bray.
2. **Wilson Invoice:** Mr. Murrell submitted a litigation invoice from Attorney Alan D. Wilson, in the amount of \$288.00. This is for litigation services to the Health Department in the case of Howard County Health Department vs. Michelle Ciccone, Cause No. 34D02-1207-MI-00695. The invoice was approved for payment as submitted on a motion made by Mr. Wyman and seconded by Mr. Bray.

IN THE MATTER OF COMMISSIONER ISSUES:

COMMISSIONER MOORE:

- 1) The Board of Commissioners received two letters of intent from the Indiana Department of Corrections, notifying them that the Howard County Juvenile Community Corrections has been awarded \$77,600 for the Community Corrections and Community Transition Program; and the Howard County Adult Community Corrections department has been awarded \$225,550.00 for the Community Corrections and Community Transition Program. The award year for both departments is July 1, 2013 through June 30, 2014.
 - 2) Indiana Department of Environmental Management Notices were received as follows:
 - Notice of Decision: Revocation for the Kokomo Grain Company Air Quality Permit / 067-33174-00063
 - Notice of Public Comment of Air Permit for Chrysler Group LLC, Kokomo Casting Plant 067-33120-00065 and 067-33130-00065.
 - Notice of Approval for permit modification for GM Components Holdings, LLC / 067-33053-00061
- All three notices were received on a motion made by Mr. Wyman and seconded by Mr. Bray.
- 3) A notice from the Federal Communications Commission was received, notifying Howard County of a Section 106 filing for a New Tower for Verizon Wireless located in Burlington, 9580 West County Road 100 North. The notice was received on a motion made by Mr. Bray and seconded by Mr. Wyman.
 - 4) The Commissioners are in receipt of information from the Indiana Department of Homeland Security concerning the annual assessment and awarding of a performance grant to assist EMA salaries. Copies will be given to EMA Director Larry Smith and the Auditor's Office.
 - 5) The Commissioners received a Thank-You card from the Howard County Puppy Pushers for the Board's support of the 4-H program in Howard County.

*There being no further business to come before the Board of Commissioners
at this time, the meeting was adjourned at 7:54 p.m.
on a motion made by Mr. Wyman and seconded by Mr. Bray.*

HOWARD COUNTY BOARD OF COMMISSIONERS:

TYLER O. MOORE, PRESIDENT

PAUL G. WYMAN, VICE PRESIDENT

ROBERT B. BRAY, MEMBER

ATTEST:

MARTHA J. LAKE, AUDITOR
Howard County Commissioner Meeting July 1, 2013